

UNITED STATES BANKRUPTCY COURT
Eastern District of Missouri
Thomas F. Eagleton U.S. Courthouse
111 South Tenth Street, Fourth Floor
St. Louis, MO 63102

In re:
Carl E Hargus
Shaana Hargus
Debtor(s)

Case No.: 23-42773 – A659
Chapter: 13

PRE-CONFIRMATION ORDER AND NOTICE OF DISMISSAL

TO: ALL CREDITORS AND PARTIES IN INTEREST

PLEASE TAKE NOTE: THIS CASE IS BEFORE THE COURT FOR DISMISSAL FOR THE REASON(S) IDENTIFIED BY ☒ BELOW.

The Debtor(s):

- ☐ moved to dismiss this case in accordance with 11 U.S.C. § 1307(b).
- ☐ failed to file ☐ a Chapter 13 Plan; ☐ one or more Schedules and/or Statement of Affairs; ☐ a Matrix and/or Verification of Matrix in the proper form and within the time permitted; ☐ a Statement of Current Monthly Income/Disposable Income Calculation Form (B122); ☐ a Credit Counseling Certificate indicating compliance with 11 U.S.C. § 109(h)(1), a Certification of Exigent Circumstances, or a Motion for Exemption from Credit Counseling under § 109(h)(4); or ☐ Debtor(s) failed to provide Social Security Number or B121 Form(s) within the time permitted; ☐ Debtor's attorney failed to file a Rule 2016(b) Disclosure of Compensation; and/or ☐ . The Court advised the Debtor(s) and Debtor's attorney that failure to file these documents properly within the time specified would result in dismissal of the case.
- ☐ failed to appear at the meeting of creditors and failed to obtain the Chapter 13 Trustee's consent to a further continued date. The Chapter 13 Trustee has certified that the Debtor(s) was notified that failure to appear at the continued hearing would result in dismissal of the case.
- ☐ failed to provide ☐ tax documents to the Trustee in accordance with §521(e)(2)(B) and orders of this Court; and/or ☐ payment advices to the Trustee in accordance with the § 521(a)(1)(B)(iv) and orders of this Court.
- ☐ failed to pay the appropriate filing fee; failed to file a proper Application to Pay Filing Fees in Installments at the time the petition was filed or within such additional time allowed, LR 1002 A.; or failed to pay the filing fee on the terms set forth in the Order Approving Installment Fee Application previously entered in this case.

The Chapter 13 Trustee:

- ☒ moved in writing or at a hearing, orally requested dismissal of this case in accordance with ☐ 11 U.S.C. § 1307(c)(1) for unreasonable delay; ☐ § 1307(c)(2) for nonpayment of fees under chapter 123 of title 28; ☒ § 1307(c)(4) for failure to commence making plan payments; ☐ § 1307(c)(5) for denial of confirmation of a plan and denial of request for additional time for filing another plan or modification; ☐ § 1307(c)(11) for failure to pay domestic support obligations; ☐ § 1307(e) for failure to file taxes required under § 1308; ☐ for abuse of the bankruptcy process; ☐ for Debtor(s)' failure to turn over the tax return(s); and/or ☐ for Debtor(s)' failure to comply with a Court order, and after notice and hearing;

A Party in Interest

- ☐ other than the Chapter 13 Trustee, moved to dismiss this case ☐ for cause in accordance with 11 U.S.C. § 1307(c); ☐ for failure to comply with a Court order; ☐ for failure to provide tax documents in accordance with § 521(e)(2)(C) and orders of this Court, ☐ for failure to pay any domestic support obligations that first became payable after the date of the filing of the petition in accordance with § 1307(c)(11); and/or ☐ for other abuse of the bankruptcy process, as more fully stated in the written motion, and after notice and hearing;

The Missouri Department of Revenue

- ☐ moved to dismiss this case in accordance with 11 U.S.C. § 1307(c)(1) for unreasonable delay in filing tax return(s), and the Debtor(s) have failed to respond to the motion, or after notice and hearing;

The Court

- ☐ on its own motion or show cause, moved to dismiss this case under 11 U.S.C. § 105(a) for failure to comply with a Court order and/or for abuse of the bankruptcy process.

Other Reason(s) for Dismissal:

☐

ACCORDINGLY,

IT IS ORDERED for the reasons set forth in the motion or on the record at hearing, if any, the Motion to Dismiss identified in this Order and Notice is **GRANTED**, and this Chapter 13 case is **DISMISSED** prior to entry of an order of discharge.

IT IS FURTHER ORDERED Debtor(s)' employer(s) is/are directed to cease withholding from Debtor(s)' wages in respect to this Chapter 13 case, and this Court's Order to Deduct from Wages or Other Income is hereby terminated.


IT IS FURTHER ORDERED ANY PARTY OTHER THAN THE CHAPTER 13 TRUSTEE, WHO SEEKS PAYMENT FOR ANY CLAIM UNDER 11 U.S.C. § 503(b), SHALL HAVE 14 DAYS FROM THE DATE OF THIS ORDER WITHIN WHICH TO FILE AN APPLICATION FOR ALLOWANCE OF AN ADMINISTRATIVE EXPENSE CLAIM. Any party seeking payment shall serve such application on the Debtor(s) and Chapter 13 Trustee. Compensation to the Chapter 13 Trustee and payment of fees due this Court shall be awarded as specified herein without application.

IT IS FURTHER ORDERED Any application for payment of attorneys' fees by counsel who have elected the flat fee option must include: (1) a general description of the services performed and the amount of fees and costs requested (detailed time entries are not required); (2) the case number, chapter, and date of filing for all prior cases filed by the Debtor(s); and (3) a statement explaining the reason for dismissal of any case filed within three years of the date of this case.

IT IS FURTHER ORDERED that the Chapter 13 Trustee, shall pay the unpaid portion, if any, of the filing fee due the Court for this case, and then shall pay, pro rata, other claims allowed under 11 U.S.C. § 503(b). After paying such claims, the Trustee is directed to return any remaining funds to the Debtor(s) or as otherwise may be ordered. Any pre-confirmation disbursements made by the Chapter 13 Trustee prior to the entry of this Order are allowed and approved by the Court.

- ☐ **IT IS FURTHER ORDERED** that this case is dismissed under U.S.C. § 109(g)(1) and the Debtor(s) is/are prohibited from filing a petition under Title 11 of the United States Bankruptcy Code for 180 days following the date of entry of this order pursuant to In re Montgomery, 37 F.3d 413 (8th Cir. 1994).
- ☐ **IT IS FURTHER ORDERED** that this case is dismissed under U.S.C. § 109(g)(2) and the Debtor(s) is/are prohibited from filing a petition under Title 11 of the United States Bankruptcy Code for 180 days following the date of entry of this order.
- ☐ **IT IS FURTHER ORDERED** that this case is dismissed with prejudice under 11 U.S.C. § 105(a) and the Debtor(s) is/are prohibited from filing a petition under Title 11 of the United States Bankruptcy Code for 180 days following the date of entry of this order.
- ☐ **IT IS FURTHER ORDERED** that since the Debtor(s) owe(s) \$ for the filing fee in this case, the Debtor(s) **MUST PAY THIS AMOUNT TO THE COURT WITHIN FIVE BUSINESS DAYS FOLLOWING THE ENTRY OF THIS ORDER.** If the Debtor(s) fail(s) to pay the amount owed to the Court within five business days, the Debtor(s) is/are prohibited from filing a petition under Title 11 of the United States Bankruptcy Code for 180 days following the date of dismissal. If the Debtor(s) file(s) a subsequent bankruptcy case while prior filing fees remain outstanding, the Court will ordinarily deny any Application to Pay Filing Fees in Installments in the subsequent case.

IT IS FURTHER ORDERED that the automatic stays of 11 U.S.C. § 362 are hereby terminated, AND ANY MATTERS NOT PREVIOUSLY DISPOSED OF ARE DENIED AS MOOT ON THE FILING OF THE CHAPTER 13 TRUSTEE'S FINAL REPORT. The Chapter 13 Trustee is directed to promptly file their final report and upon so doing is discharged as Trustee and is relieved of and discharged from their bond.

Handwritten signature of Kathy A. Surnoff-States in black ink.

U.S. Bankruptcy Judge

Dated: 9/21/23
St. Louis, Missouri
Rev. 07/23 preconfo

United States Bankruptcy Court
Eastern District of Missouri

In re:
Carl E Hargus
Shaana Hargus
Debtors

Case No. 23-42773-kss
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0865-4

User: admin

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Date Rcvd: Sep 21, 2023

Form ID: preconfo

Total Noticed: 27

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
^	Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 23, 2023:

Recip ID	Recipient Name and Address
db/db	+ Carl E Hargus, Shaana Hargus, 1495 Tahoe Dr, Florissant, MO 63031-7340
25408451	+ American Water, P. O. Box 790247, Saint Louis, MO 63179-0247
25408964	+ US Postal Service, Attn: Payroll Department, 2200 N US Hwy 67, Florissant, MO 63033-9997

TOTAL: 3

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
25408450	+ EDI: UNIONELECT.COM	Sep 22 2023 02:30:00	Ameren Missouri, P.O. Box 790352, Saint Louis, MO 63179-0352
25408452	+ Email/Text: rm-bknotices@bridgecrest.com	Sep 21 2023 22:32:00	Bridgecrest Acceptance Corp, 7300 East Hampton Avenue, Suite 100, Mesa, AZ 85209-3324
25408454	Email/Text: Bankruptcy.RI@Citizensbank.com	Sep 21 2023 22:31:00	Citizens Bank NA, Attn: Bankruptcy, 1 Citizens Plaza, Providence, RI 02903
25408453	+ EDI: CAPITALONE.COM	Sep 22 2023 02:24:00	Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
25413241	EDI: CAPITALONE.COM	Sep 22 2023 02:24:00	Capital One N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
25408455	+ EDI: CCS.COM	Sep 22 2023 02:31:00	Credit Collection Services, Attn: Bankruptcy, 725 Canton St, Norwood, MA 02062-2679
25408456	^ MEBN	Sep 21 2023 22:28:01	Diversified Adjustment Services, Inc, Attn: Bankruptcy, Po Box 32145, Fridley, MN 55432-0145
25408457	+ EDI: AMINFOFP.COM	Sep 22 2023 02:30:00	First Premier Bank, Attn: Bankruptcy, Po Box 5524, Sioux Falls, SD 57117-5524
25408458	+ EDI: LCIICSYSTEM	Sep 22 2023 02:24:00	IC Systems, Inc, Attn: Bankruptcy, Po Box 64378, St. Paul, MN 55164-0378
25408459	+ EDI: IRS.COM	Sep 22 2023 02:30:00	IRS, PO Box 7346, Insolvency Unit, Philadelphia, PA 19101-7346
25410881	Email/PDF: resurgentbknotifications@resurgent.com	Sep 21 2023 22:43:33	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
25408461	Email/Text: bkresearch@stlmsd.com	Sep 21 2023 22:31:00	MSD, 2350 Market St, Saint Louis, MO 63103
25412806	Email/Text: bkresearch@stlmsd.com	Sep 21 2023 22:31:00	Metropolitan St Louis Sewer District, Attn: Bankruptcy, 2350 Market St, St. Louis MO 63103
25424997	+ Email/Text: csc.bankruptcy@amwater.com	Sep 21 2023 22:32:00	Missouri American Water, PO Box 2798, Camden, NJ 08101-2700
25408505	+ Email/Text: ecfnofices@dor.mo.gov		

District/off: 0865-4

User: admin

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Date Rcvd: Sep 21, 2023

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Total Noticed: 27

		Sep 21 2023 22:31:00	Missouri Department of Revenue, PO Box 475, 301 W High St, Jefferson City MO 65101-1517
25408460	+ Email/Text: ecfnofices@dor.mo.gov	Sep 21 2023 22:31:00	Missouri Dept of Revenue, Taxation Division, PO Box 385, Jefferson City, MO 65105-0385
25408462	+ Email/Text: bankruptcy@ncaks.com	Sep 21 2023 22:31:00	National Credit Adjusters, LLC, 327 West 4th Avenue, Po Box 3023, Hutchinson, KS 67504-3023
25408463	+ EDI: NAVIENTFKASMSERV.COM	Sep 22 2023 02:30:00	Navient, Attn: Bankruptcy, Po Box 9500, Wilkes Barre, PA 18773-9500
25417277	Email/Text: GUARBKe-courtdocs@ascendiumeducation.org	Sep 21 2023 22:31:00	Navient Solutions, LLC. on behalf of, Ascendium Education Solutions Inc, PO BOX 8961, Madison, WI 53708-8961
25408479	Email/Text: BankruptcyFiling@stlouisco.com	Sep 21 2023 22:31:00	St Louis County Collector of Revenue, 41 South Central Ave, Saint Louis, MO 63105
25408476	+ Email/Text: BKSPSElectronicCourtNotifications@spservicing.com	Sep 21 2023 22:32:00	Select Portfolio Servicing, Inc, Attn: Bankruptcy, Po Box 65250, Salt Lake City, UT 84165-0250
25408477	+ Email/Text: ssa.bankruptcy@ssa.gov	Sep 21 2023 22:31:00	Social Security Administration, Office of Regional Commissioner, 26 Federal Plaza Rm 40-120, New York, NY 10278-4199
25408478	+ Email/Text: LGCBankruptcyLegal@spireenergy.com	Sep 21 2023 22:32:00	Spire, 700 Market, Saint Louis, MO 63101-1829
25408506	+ Email/Text: usamoe.bankruptcy.filings@usdoj.gov	Sep 21 2023 22:31:00	United States Attorney, 111 South 10th Street, 20th Floor, St. Louis MO 63102

TOTAL: 24

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
25408465	*+	Navient, Attn: Bankruptcy, Po Box 9500, Wilkes Barre, PA 18773-9500
25408466	*+	Navient, Attn: Bankruptcy, Po Box 9500, Wilkes Barre, PA 18773-9500
25408467	*+	Navient, Attn: Bankruptcy, Po Box 9500, Wilkes Barre, PA 18773-9500
25408468	*+	Navient, Attn: Bankruptcy, Po Box 9500, Wilkes Barre, PA 18773-9500
25408469	*+	Navient, Attn: Bankruptcy, Po Box 9500, Wilkes Barre, PA 18773-9500
25408470	*+	Navient, Attn: Bankruptcy, Po Box 9500, Wilkes Barre, PA 18773-9500
25408472	*+	Navient, Attn: Bankruptcy, Po Box 9500, Wilkes Barre, PA 18773-9500
25408473	*+	Navient, Attn: Bankruptcy, Po Box 9500, Wilkes Barre, PA 18773-9500
25408474	*+	Navient, Attn: Bankruptcy, Po Box 9500, Wilkes Barre, PA 18773-9500
25408464	*+	Navient, Attn: Bankruptcy, Po Box 9500, Wilkes-Barre, PA 18773-9500
25408471	*+	Navient, Attn: Bankruptcy, Po Box 9500, Wilkes-Barre, PA 18773-9500
25408475	*+	Navient, Attn: Bankruptcy, Po Box 9500, Wilkes-Barre, PA 18773-9500

TOTAL: 0 Undeliverable, 12 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 23, 2023

Signature: /s/Gustava Winters

District/off: 0865-4

User: admin

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CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 21, 2023 at the address(es) listed below:

Name	Email Address
Diana S. Daugherty	standing_trustee@ch13stl.com trust33@ch13stl.com
Melinda J. Maune	on behalf of Creditor Select Portfolio Servicing Inc. BKdeptmailbox@atllp.com, BKdeptmailbox@atllp.com,mmaune@atllp.com
Office of US Trustee	USTPRegion13.SL.ECF@USDOJ.gov
William H. Ridings, Jr.	on behalf of Debtor Carl E Hargus ridingslaw2003@yahoo.com
William H. Ridings, Jr.	on behalf of Debtor Shaana Hargus ridingslaw2003@yahoo.com

TOTAL: 5